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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,378	10/23/2003	Chris D. Hyser	200205369-1	1637

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ALMEIDA, DEVIN E

ART UNIT	PAPER NUMBER
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2132

NOTIFICATION DATE	DELIVERY MODE
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12/28/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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mn

Office Action Summary	Application No. 10/693,378	Applicant(s) HYSER, CHRIS D.	
	Examiner Devin Almeida	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the papers filed 10/29/2007. Applicant elects claims 1-5 and 15-18 with traverse.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colligan et al (U.S. 6,519,762) in view of Crumly (U.S. 20030161475). Colligan teaches with respect to claim 1, a method for preparing an authenticable and verifiable image of a module, the method comprising: receiving a module image (see Colligan column 9 lines 34-38); adding to the module image a size and location block (see Colligan column 9 lines 34-38). Colligan does not teach adding to the module image an authentication block including a cryptographically protected module-specific public key and a clear-text version of the module-specific public key to produce an authenticable image; and adding to the authenticable image a verification block that includes a digital signature prepared from the module image. Crumly teaches adding to the module image an authentication block including a cryptographically protected module-specific public key (see Crumly paragraph 0025) and a clear-text version of the module-specific public key to produce an authenticable image (see Crumly paragraph 0025 and 0036); and adding to the authenticable image a verification block that includes a digital

signature prepared from the module image (see Crumly paragraph 0036). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have included a digital signature of the image to so that the user can verify that the digital image has not been altered.

Therefore one would have been motivated to have included a digital signature of the image (see Crumly paragraph 0036).

With respect to claim 2, wherein adding to the module image a size and location block further includes: adding, in a specific location, a header that includes an image size, location, and globally unique identifier, that describes a size and location of the firmware image within a flash memory or other non-volatile memory, and that identifies a class of machines for which the firmware module has been created (see Colligan column 9 lines 12-38).

With respect to claim 3, wherein adding to the module image an authentication block including a cryptographically protected module-specific public key and a clear-text version of the module-specific public key to produce an authenticable image further includes: adding to the module image an authentication block including an encrypted, hashed module-specific public key and a clear-text version of the module-specific public key to produce an authenticable image (see Crumly paragraph 0025).

With respect to claim 4, wherein adding to the authenticable image a verification block that includes a digital signature prepared from the module image further includes: adding to the authenticable image a verification block that includes a digital signature

prepared by hashing the module image and encrypting the hashed module image with a module-specific private key (see Crumly paragraph 0036).

With respect to claim 5, a computer instructions that together compose a program that carries out the method of claim 1 stored in computer readable medium (see Colligan column 9 lines 34-38).

With respect to claim 15, an authenticable and verifiable image of an a module stored in a computer-readable medium comprising: a module image, including a size, location, and globally unique-identifier block (see Colligan column 9 lines 34-38); an authentication block (see Crumly paragraph 0025 and 0036); and a verification block (see Crumly paragraph 0036).

With respect to claim 16, wherein the authentication block contains an encrypted, hashed module-specific public key and a clear-text version of the module-specific public key to produce an authenticable image (see Crumly paragraph 0025 and 0036).

With respect to claim 17, wherein the verification block that includes a digital signature prepared by hashing the module image and encrypting the hashed module image with a module-specific private key (see Crumly paragraph 0036).

With respect to claim 18, a method for preparing an authenticable and verifiable image of a module, the method comprising: a module-image receiving step (see Colligan column 9 lines 34-38); a size-and-location-data adding step that adds size-and-location data to the received module image (see Colligan column 9 lines 34-38); an authentication-adding step that adds, to the module image, authentication information including a cryptographically protected module-specific public key and a clear-text

version of the module-specific public key (see Crumly paragraph 0025 and 0036); and a verification-block-adding step that adds a digital signature prepared from the module image to the module image (see Crumly paragraph 0036).

Conclusion

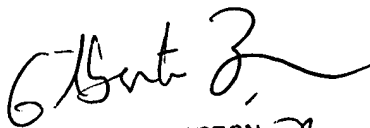
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida
Patent Examiner
12/18/07


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